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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,572	05/23/2001	Jonathan Lee Hanmann	K35A0870	9338

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EXAMINER
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PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/863,572	HANMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hassan Phillips	2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-37 and 39-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-37 and 39-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/23/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to amendments received on December 10, 2004.

### ***Drawings***

2. After consideration of the amendments made to Fig. 2 to include a --Prior art-- legend, the Examiner has withdrawn the objection to the drawings.

### ***Claim Objections***

3. After consideration of the amendments made to claim 27, to correct a minor error, the Examiner has withdrawn the objection to claim 27.

4. Claims 9, 10, 39, and 40, are objected to because of the following informalities: Claims 9, 10, 39, and 40 depend on cancelled claims. In order for the Examiner to advance prosecution, the Examiner has interpreted claims 9 and 10, as being dependent upon independent claim 1, and claims 39 and 40 as being dependent upon independent claim 31. Appropriate correction is required.

### ***Response to Arguments***

5. Applicant's arguments filed December 10, 2004 have been fully considered but they are not persuasive. Applicant argued that:

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- a) Fletcher does not disclose or suggest to modify synchronization rules to order the data transmitted to a mobile terminal;
- b) Fletcher does not disclose or suggest to transmit emails to a mobile terminal before transmitting web pages to the mobile terminal based on synchronization rules derived from monitoring a user's preference in viewing the synchronization data;
- c) Fletcher does not disclose or suggest a mobile terminal comprising a terminal controller for monitoring a user's operation of the mobile terminal in order to modify synchronization rules;
- d) Fletcher does not disclose or suggest to transmit modified synchronization rules from a mobile terminal to a target computer; and,
- e) Fletcher does not disclose or suggest that the mobile terminal processes the modified synchronization rules to control the exchange of synchronization data between the mobile terminal and the target computer.

The Examiner respectfully disagrees.

Regarding item a), Fletcher clearly discloses modifying synchronization rules to have messages that a user requests most frequently to be transmitted to a mobile terminal (i.e. messages marked as "Urgent"), col. 9, lines 24-26. In the teachings of Fletcher a user synchronizes a mobile terminal to target computer in order to access various types of messages, col. 9, lines 16-18. After determining the types of messages that a user requests most frequently, default message synchronization is implemented,

col. 9, lines 41-47. This means that a user will always view preferred or important information (i.e. "Urgent messages") first. Information that is only occasionally requested will have to be requested for by the user thereafter, col. 9, lines 18-26. Thus, it is inherent in the teachings of Fletcher that synchronization rules are modified to order the data transmitted to a mobile terminal.

Regarding item b), Fletcher discloses transmitted emails and web pages to a mobile terminal, col. 9, lines 54-61. Thus the teachings of Fletcher provide a means for transmitting emails to a mobile terminal before transmitting web pages to the mobile terminal based on synchronization rules derived from monitoring a user's preference in viewing the synchronization data, for the reasons previously discussed.

Regarding item c), in col. 6, lines 34-46, Fletcher merely mentions that the filter logic can be integrated with code of the server application. In this passage, Fletcher fails to mention specific details concerning the structure of the mobile terminal with respect to the monitors. Nevertheless, Fletcher does teach that alternative approaches, with regards to the architecture shown in Fig. 4, may be used without deviating from the inventive concepts of the invention, col. 12, lines 6-9. In the teachings of Fletcher it is suggested that a mobile terminal comprises a terminal controller for monitoring a user's operation of the mobile terminal in order to modify synchronization rules in col. 4, lines 8-32, and col. 10, lines 28-38. Here it would be necessary for a terminal to comprise a controller in order to monitor "workstation characteristics" and "user behavior patterns".

Regarding item d), as mentioned previously, Fletcher teaches the filter logic being integrated with code of the target server application, col. 6, lines 34-46. In col. 10,

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lines 28-38, Fletcher teaches a user, or system administrator, submitting rules to the filter engine 400, where the filter logic resides. Thus it is inherent that synchronization rules are transmitted to the target computer/server from a mobile terminal.

Regarding item e), Fletcher teaches the workstation (mobile computer) 10 comprising a microprocessor 12 that processes programming code that embodies the invention, col. 6, lines 6-10. As mentioned previously, a user of, or a system administrator at, the mobile computer submits rules to a filter engine 400. These rules control the exchange of synchronization data between the mobile terminal and the target computer, col. 10, lines 28-38.

Furthermore, the Examiner has interpreted the claim language as broadly as possible. It is also the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3, 5, 7, 9-11, 16, 18, 20, 22-26, 31, 33, 35, 37, and 39-41, are rejected under 35 U.S.C. 102(e) as being anticipated by Fletcher et al. (hereinafter Fletcher), U.S. Patent 6,138,156 (supplied by applicant).

8. In considering claims 1, 16, and 31, Fletcher teaches a method and computer program for remotely synchronizing a mobile terminal to a target computer, the mobile terminal comprising a local memory (28) and a screen (24) the method and computer program comprising the steps of: Providing a set of synchronization rules comprising ordering and filtering rules, monitoring a user's operation of the mobile terminal, executing a computer program for adapting the ordering and filtering rules in response to the user's operation of the mobile terminal to generate a modified set of synchronization rules, and exchanging synchronization data between the target computer and the mobile terminal using the modified set of synchronization rules, and storing synchronized data in the local memory of the mobile terminal, (col. 3, lines 66-

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67, col. 4, lines 1-32, also see Fig. 1); the synchronization data comprising a first data and a second data, the step of monitoring a user's operation of the mobile terminal comprising the step of monitoring the user's preference in viewing data, and if the step of monitoring the user's operation indicates a preference for viewing the first data before viewing the second data, the computer program adapting the ordering and filtering rules such that the first data are received by the mobile terminal before the second data. See col. 9, lines 15-61.

9. In considering claims 3, 18, and 33, it is inherent that the teachings of Fletcher comprise the step of transmitting the modified set of synchronization rules from the mobile terminal to the target computer. See col. 10, lines 28-38.

10. In considering claims 5, 20, and 35, Fletcher teaches the target computer using the modified set of synchronization rules to configure a synchronization program executed by the target computer. See col. 7, lines 14-19.

11. In considering claims 7, 22, and 37, Fletcher teaches the mobile terminal processing the modified set of synchronization rules to control the exchange of synchronization data between the mobile terminal and the target computer. See col. 6, lines 6-22.



12. In considering claims 9, 24, and 39, it is inherently capable, in the method and computer program taught by Fletcher, for the first data to comprise emails, and the second data to comprise web pages. See col. 9, lines 15-61.

13. In considering claims 10, 25, and 40, it is inherently capable, in the method and computer program taught by Fletcher, for the first data to comprise a first web page, and the second data to comprise a second web page. See col. 9, lines 15-61.

14. In considering claims 11, 26, and 41, Fletcher teaches the step of monitoring a user's operation of the mobile terminal comprising the step of identifying data of interest to the user, and the computer program adapting the ordering and filtering rules so that web pages related to the data of interest are received by the mobile terminal. See col. 9, lines 15-61.

15. In considering claim 23, Fletcher teaches the synchronization data comprising a first data and a second data, the step of monitoring a user's operation of the mobile terminal comprising the step of monitoring the user's preference in viewing data, and if the step of monitoring the user's operation indicates a preference for viewing the first data before viewing the second data, the computer program adapting the ordering and filtering rules such that the first data are received by the mobile terminal before the second data. See col. 9, lines 15-61.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2, 4, 6, 12-15, 17, 19, 21, 27-30, 32, 34, 36, and 42-45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher in view of Kalish et al. (hereinafter Kalish), U.S. Patent Pub. No. 2002/0116472.

18. In considering claims 2, 17, and 32, although the disclosed method and computer program of Fletcher shows substantial features of the claimed invention, they fail to expressly disclose:

- a) Displaying the synchronized data while concurrently receiving synchronization data from the target computer.

Nevertheless, in a similar field of endeavor, Kalish teaches a method and system for pushing content to mobile devices comprising:

- a) Displaying synchronized data on the screen of a mobile terminal while concurrently receiving synchronization data from a target computer using a set of synchronization rules, (page 3, paragraph 37, also see Fig. 4).

Thus, given the teachings of Kalish, it would have been obvious to one of ordinary skill in the art to modify the teachings of Fletcher in order to show the step of

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displaying synchronized data on the screen of the mobile terminal while concurrently receiving synchronization data from the target computer using the modified set of synchronization rules. Doing so would have demonstrated a means for transparently optimizing communication between the mobile terminal and the target computer by minimizing access latency, Fletcher page 3, paragraph 40.

19. In considering claims 4, 19, and 34, it is implicit that the teachings of Fletcher comprise the step of transmitting the modified set of synchronization rules from the mobile terminal to the target computer. See col. 10, lines 28-38.

20. In considering claims 6, 21, and 36, Fletcher teaches the target computer using the modified set of synchronization rules to configure a synchronization program executed by the target computer. See col. 7, lines 14-19.

21. In considering claims 12, 27, and 42, although the disclosed method and computer program of Kalish shows substantial features of the claimed invention, they fail to expressly disclose:

- a) Receiving a plurality of web pages associated with a user's monitored progression through a path of linked web pages.

Nevertheless, in a similar field of endeavor, Kalish teaches a method and system for pushing content to mobile devices comprising:

- a) Monitoring a user's progression through a path of linked web pages while browsing an Internet web site on-line, adapting a ordering and filtering rule based on the user's progression through the path of linked web pages, and receiving a plurality of web pages associated with the path, the web pages for display on the screen of a mobile terminal, (page 3, paragraph 37, also see Fig. 4).

Thus, given the teachings of Kalish, it would have been obvious to one of ordinary skill in the art to modify the teachings of Fletcher in order to show the steps of monitoring a user's progression through a path of linked web pages while browsing an Internet web site on-line, adapting an ordering and filtering rule based on the user's progression through the path of linked web pages, and receiving a plurality of web pages associated with the path, the web pages for display on the screen of a mobile terminal. This would have demonstrated a means for transparently optimizing communication between the mobile terminal and the target computer while minimizing access latency to a plurality of web pages, Fletcher page 3, paragraph 40.

22. In considering claims 13, 28, and 43, Kalish teaches the plurality of web pages received by the mobile terminal comprising web pages linked to the path. See page 3, paragraph 37. Also see Fig. 4. One of ordinary skill in the art would combine the teachings of Fletcher with Kalish for the reasons indicated in consideration of claims 12, 27, and 42.

23. In considering claims 14, 29, and 44, Kalish teaches the synchronization rules comprising a link-depth identifying a maximum depth of linked pages extending from the path to include in the plurality of web pages received by the mobile terminal. See page 3, paragraph 39. One of ordinary skill in the art would combine the teachings of Fletcher with Kalish for the reasons indicated in consideration of claims 12, 27, and 42.

24. In considering claims 15, 30, and 45, the method and computer program taught by Fletcher are implicitly capable of comprising the steps for: the user enabling the monitoring of the progression through the path of linked web pages, and the user disabling the monitoring of the progression through the path of linked web pages. See col. 10, lines 28-38.

### ***Conclusion***

**25. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/18/05

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER